

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X	:	
SMITHS MEDICAL ASD, INC.	:	
(FORMERLY LEVEL 1, INC.)	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91159799
	:	
PORTLAND ORTHOPAEDICS PTY LT.	:	
	:	
Applicant.	:	
-----X	:	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
ATTN: TTAB

**CONSENTED-TO MOTION FOR EXTENSION OF
TIME TO FILE ANSWER TO NOTICE OF OPPOSITION
AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS**

Subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective attorneys, stipulate that applicant's time for filing its Answer to Notice of Opposition shall be extended two (2) weeks or until **March 23, 2005**.

Also subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective counsel, hereby agreed to a two (2) week extension of the Discovery and Testimony periods as follows:



THE PERIOD FOR DISCOVERY TO CLOSE:	May 22, 2005
Testimony period for Petitioner to close:	August 19, 2005
Testimony period for Registrant to close:	October 19, 2005
Rebuttal testimony period to close:	December 3, 2005

Opposer's attorney, Sandra Epp Ryan, has verbally agreed to this extension of time as requested. This additional time is necessary to explore settlement of this matter. Specifically, applicant has submitted a proposal to opposer, and applicant has just received a counterproposal from opposer which is being transmitted to applicant and his local counsel in Australia for consideration.

The foregoing request is not being filed for the purposes of mere delay, and favorable consideration and approval of this request is respectfully solicited.

This request is being submitted in triplicate.

Respectfully submitted,

PORTLAND ORTHOPAEDICS PTY LT.



Thomas M. Galgano
Attorney for Applicant
GALGANO & BURKE
300 Rabro Drive, Suite 135
Hauppauge, NY 11788
(631) 582-6161

Date: March 9, 2005

CERTIFICATE OF MAILING

I hereby certify that this CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS is being deposited, in triplicate, this 9th day of March, 2005, with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

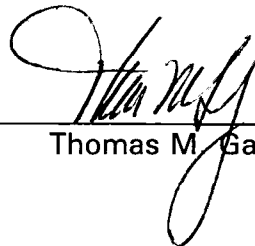


Thomas M. Galgano, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS has this 9th day of March, 2005, been sent prepaid First Class Mail to Sandra Epp Ryan, Esq., at her place of business:

MERCHANT & GOULD P.C.
Box 2910
Minneapolis, MN 55402-0910



Thomas M. Galgano, Esq.